

The Commonwealth of Massachusetts

ANNUAL REPORT

OF THE

Mass.
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BOARD OF PROBATION

FOR THE

Year ending September 30, 1935

Together with figures for the months of
October, November and December of
1935. See Chapter 30, Acts of 1936.



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BOARD OF PROBATION

MASS. OFFICIALS

BENJAMIN LORING YOUNG, *Chairman*

MISS MARY E. DRISCOLL
RICHARD M. WALSH

ROBERT E. GOODWIN
DANIEL J. LYNE

ALBERT B. CARTER, *Commissioner*
Office, 20 Somerset Street, Boston

ANNUAL REPORT

To the Honorable Senate and House of Representatives:

The Board of Probation herewith respectfully submits its report for the year ending December 31, 1935.

Following the example of the State Department of Correction which secured a change in its statistical year from September 30th to December 31st, in order to synchronize with the Federal Government's efforts to make uniform statistics of courts of general jurisdiction throughout the nation, the Board's legislative petition seeking a like change was enacted and signed by His Excellency, the Governor, February 11th, 1936. This amendment requires that a report for the months of October, November and December be incorporated in this year's report. The Commissioner's report, following, so conforms.

A probation manual, containing all the statute law relative to probation work, together with references to other laws and data of interest to the service, is a necessary adjunct to the equipment of every probation office. An enlarged edition of such a manual is being printed to replace that of 1930 for distribution among the service.

As an aid in promoting co-operation and eliminating duplication of effort in a service which extends throughout the Commonwealth, the Board has periodically issued a probation officer's directory, listing all officers by counties and courts, together with telephone and address information. Such a directory, corrected to November, 1935, and containing additional information as to the juvenile sessions in each of the lower courts, has been distributed.

The statutory responsibility of the Board for "the exchange of information between the courts" is a duty which the Board has endeavored to discharge effectively. The central court record bureau, begun in 1914, became state-wide in scope in 1924 and has fully justified itself on a consultative basis by the rise in inquiries from 40,000 at the latter date to 206,846 this year. A major concern of this office has been to make this service prompt, accurate and available to all courts. In June, a teletypewriter was installed in the Board's office on a hook-up with the state police system to remedy infrequent usage by distant courts of record facilities due in the main to the rather high telephone toll charges. This teletype enables these courts to telephone their local state police barracks or police headquarters who in turn relay the record inquiry to the Board's office, which immediately sends the requested data to the original inquirer over the teletype system at a minimum of expense and time. An average of 500 inquiries per month are handled in this manner.

Boston Police Headquarters have installed a private telephone line to this office to facilitate service on their 20,000 inquiries each year. The Board is now actively co-operating with Headquarters in reorganizing and bringing up to date their entire record system.

There are many other governmental agencies which consistently use the facilities at 20 Somerset Street, Boston, among which may be mentioned the Attorney-General's office in its investigations of various illegal practices by individuals and corporations, the Boston Election Commissioners and the Superior Court probation officers, who inquire into, among other things, the court record or lack thereof, of all prospective jurors.

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The Board of Probation is aware of the necessity for the integration and co-ordination of all branches of public service engaged in enforcing law and order for the protection of the public. To this end, it has met, during the year, with members of the Massachusetts Judicial Council, the Administrative Committee of District Courts, the Boston Police, the Commissioner of Correction, and the Board of Parole, when problems of policy and administration in the several fields have been discussed.

Probation officers are given the opportunity, through the statutory authority invested in the Board, to meet together in large or small groups for discussion of topics germane to their work of rehabilitating persons who run afoul of the criminal law, through their inability, many times, to make satisfactory economic or emotional adjustments. The duty of the Board member presiding at one of these conferences soon becomes a rare privilege as he senses the sincerity and humane impulses motivating the officers in their lively discussions of the addresses and the distressingly complex problems encountered in their day to day efforts at human salvaging.

The report of the Judicial Council for this year recommends that all district court probation officer appointments and discharges be approved in writing by the Administrative Committee of District Courts following consultation with the Board of Probation. Standards for the probation service should be established and we approve measures to that end.

Respectfully submitted,

B. LORING YOUNG, *Chairman*
MARY E. DRISCOLL
RICHARD M. WALSH

ROBERT E. GOODWIN
DANIEL J. LYNE
Board of Probation.

REPORT OF THE COMMISSIONER

To the Honorable Board of Probation:

Herewith is submitted the annual report of your Executive Officer for the year ending September 30, 1935, together with figures for the quarter ending December 31, 1935.

THE SERVICE

The fifteen months' period which compasses this report has seen a continuance in growth of the spirit of mutual dependence and co-operation between the probation service and other agencies, both public and private, dedicated to the task of mending damaged human goods in these sore times.

Probation officers have had countless conferences with disagreeing or mal-adjusted family members, pre-delinquent juveniles of sub-marginal families, unmanageable and adventurous adolescents, and adults unable to maintain their equilibrium after months of unemployment. Sometimes, one such conference suffices to resolve a grudge or misunderstanding; with others, several may occur before the undergrowth has become cleared away and a new start made; or other agencies may be required to assist in preventing some of these human problems becoming too acute. This "out-of-court" service is performed at the behest of judges, clerks of courts, police officials, other public officials, relatives and private individuals, prior to the issuance of a complaint or, in some instances, preceding arraignment, in an effort to obviate court action. Your Commissioner has been privileged to participate in many of these conferences, which never fail to give him inspiration and a renewed respect for the patience, understanding and courage of the probation officers. He mentions this high type of preventive service rendered the communities of this Commonwealth because no official recognition is given it in the probation figures which follow.

The probation service is appreciative of the tribute paid Miss Mary E. Driscoll in her reappointment by Chief Justice Walter Perley Hall of the Superior Court, for another five-year term as a member of your Board on which she has served continuously since 1921.

Three regional conferences for probation officers were held at the Lyman, Shirley and Lancaster juvenile training schools in May. In the morning, those in attendance were shown over the schools, following which luncheon was had, and the afternoon given over to informal discussion of juvenile delinquency and general probation problems.

A one-day state conference on "Crime and the Community", held November 19th, 1935, brought together practically all probation officers, many judges and workers in allied fields, both public and private. The Honorable John F. Perkins, Justice of the Boston Juvenile Court, led the morning discussion on juvenile problems, and introduced William F. Stearns, Assistant Director, who explained the National Youth Administration in its application to Massachusetts; addresses in the afternoon by the Honorable Sanford Bates, Director of Federal Prisons, and Arthur T. Lyman, Commissioner of Correction for the Commonwealth, preceded a visit to the Charlestown State Prison. In the evening, Honorable Abraham E. Pinanski, Justice of the Superior Court, read a searching and suggestive paper on the philosophy of rehabilitative work and its variegated problems.

The increasing number of requests from judges and probation officers for comparative figures and data concerning probation indicates a developing interest in this field of court work. Judicial co-operation in adopting suggestions regarding local probation administration is indeed heartening, especially so when coupled with the enthusiasm of newly-appointed officers in visiting your offices and the welcome accorded your Commissioner on his visit to the local court to aid in the instruction of the new officer. Several probation offices have been designated as "training stations" to which the newer members in the service go a few days each week for several weeks or every day for a month or so to observe probation in practice and to receive further instruction. Your Executive Officer is deeply grateful to those veterans in the service whose interest and pride in their work prompts them to so generously give of their time in instructing these new entrants to probation work.

There has been no legislation enacted which directly affects the probation service other than that of Chapter 358 of the Acts of 1935. This amendment gives discretionary authority (where previously there was none) to courts to place on probation those persons sentenced to pay a fine and payment of which is suspended. Inasmuch as this law became effective October 1, 1935, any report as to its effect on the service would be premature.

STATISTICS

The usefulness of a public agency is measured by the demands made upon it by the community it is designed to serve. Judged by this standard, the probation service in this Commonwealth is increasing its usefulness for the courts show a growing dependence on this humanizing device in the administration of criminal justice. Hereunder are figures compiled in your office from the daily records and reports of the eighty-eight state courts, statistics being available for each court. In keeping with the directions of Chapter 30, Acts of 1936, each set of full year's figures will be followed with those for the quarter ending December 31, 1935, in order that the annual report of your Commissioner may hereafter follow the calendar year.

Persons Placed on Probation

This year, ending September 30, 1935, showed the largest number (35,218) of men, women and children ever placed in the care of the probation officers. There are 195 such officers, making a general supervision average of approximately 180 probationers per officer, despite the fact that 50 (25% plus) such officers give only part-time to probation work.

The increase this year over last of 338 individuals accepting such treatment is due to the increase in the Superior Court of 727, with the lower courts showing a decrease of 389 persons placed on probation. The legislative enactment enabling the Superior Court, as of October 1, 1934, to suspend the execution of sentences undoubtedly played as important a role in this

increase as the statute providing for the non-criminal disposition of parking violations did in the reduction of the number of probationers in the lower courts.

There has been a drop of some 131 juvenile probationers (boys and girls under 17 years of age) this year over last, while the number of men increased 255 and the women 216 which in the latter instance, means a rather significant increase of 10%.

The distribution of those figures, showing the general age, sex and court divisions follow.

	JUVENILES		ADULTS		Firms	Total
	Boys	Girls	Men	Women		
<i>Year Ending September 30, 1935:</i>						
Municipal, Boston Juvenile and District Courts	3,312	215	26,984	2,057	4	32,572
Superior Courts	81	3	2,383	178	1	2,646
Total	3,393 (9.6 %)	218 (.6 %)	29,367 (83.4 %)	2,235 (6.4 %)	5	35,218
<i>Quarter Ending December 31, 1935:</i>						
Municipal, Boston Juvenile and District Courts	761	57	4,487	516		5,821
Superior Courts	21	1	672	45		739
Total	782 (11.9 %)	58 (.9 %)	5,159 (78.6 %)	561 (8.6 %)		6,560

Types of Probation

Of every thousand of the 35,218 persons placed on probation by the courts within this Commonwealth this year, 306 were placed on straight probation, that is, supervision without the imposition of a sentence; 371 were on probation with suspended penal institution sentences; and 323 with a suspended sentence to pay a fine. There has been a slight diminution (2.3%) in the use of straight probation with a corresponding increase in suspended commitments (1.3%) and fines (1%).

Following is a separation of the total into these several types of probation:

	JUVENILES				ADULTS				TOTAL	
	Boys	%	Girls	%	Men	%	Women	%	Firms	Persons %
<i>Year Ending September 30, 1935:</i>										
Straight Probation	2,232	65.8	134	61.5	7,533	25.6	891	39.9	—	10,790 30.6
Suspended Commitment	1,120	33.0	82	37.6	10,857	37.0	1,015	45.4	—	13,074 37.1
Suspended Fine	41	1.2	2	0.9	10,977	37.4	329	14.7	5	11,354 32.3
Total	3,393	100.0	218	100.0	29,367	100.0	2,235	100.0	5	35,218 100.0
<i>Quarter Ending December 31, 1935:</i>										
Straight Probation	497	63.6	31	53.4	1,745	33.8	241	43.0	—	2,514 38.3
Suspended Commitment	284	36.3	27	46.6	2,656	51.5	298	53.1	—	3,265 49.8
Suspended Fine	1	0.1	—	—	758	14.7	22	3.9	—	781 11.9
Total	782	100.0	58	100.0	5,159	100.0	561	100.0	—	6,560 100.0

Length of Probation Period

The length of time and number of persons originally placed on straight and commitment suspended probations are grouped as follows:

	STRAIGHT PROBATION		SUSPENDED COMMITMENTS		TOTAL	
	Persons	%	Persons	%	Persons	%
<i>Year Ending September 30, 1935:</i>						
3 months and less	2,432	22.5	1,544	11.8	3,976	16.7
Over 3 to 6 months	3,955	36.7	4,752	36.3	8,707	36.5
Over 6 months to 1 year	2,918	27.0	4,753	36.4	7,671	32.1
Over 1 year	1,443	13.4	2,025	15.5	3,468	14.5
Indeterminate	42	0.4	—	—	42	0.2
Total	10,790	100.0	13,074	100.0	23,864	100.0

	STRAIGHT PROBATION		SUSPENDED COMMITMENTS		TOTAL	
	Persons	%	Persons	%	Persons	%
<i>Quarter Ending December 31, 1935:</i>						
3 months and less	529	21.0	373	11.4	902	15.6
Over 3 to 6 months	811	32.3	1,172	35.9	1,983	34.3
Over 6 months to 1 year	697	27.7	1,124	34.4	1,821	31.5
Over 1 year	475	18.9	596	18.3	1,071	18.6
Indeterminate	2	0.1	—	—	2	—
Total	2,514	100.0	3,265	100.0	5,779	100.0

The following arrangement shows the original length of the probation periods of those persons supervised on straight probation and commitments suspended with differentiations as to sex and adulthood. Analysis of these figures show almost imperceptible variations when compared with the 1934 tables:

Straight Probation and Suspended Commitments		Boys	%	Girls	%	Men	%	Women	%	Total	%
<i>Year Ending September 30, 1935:</i>											
3 months and less	726	21.7	68	31.5	2,969	16.1	213	11.2	3,976	16.7	
Over 3 to 6 months	1,029	30.7	40	18.5	6,780	36.9	858	45.0	8,707	36.5	
Oyer 6 months to 1 year	1,200	35.8	91	42.1	5,775	31.4	605	31.7	7,671	32.1	
Over 1 year	396	11.8	16	7.4	2,827	15.4	229	12.0	3,468	14.5	
Indeterminate	1	—	1	0.5	39	0.2	1	0.1	42	0.2	
Total	3,352	100.0	216	100.0	18,390	100.0	1,906	100.0	23,864	100.0	

Quarter Ending December 31, 1935:										
3 months and less	166	21.2	25	43.1	668	15.2	43	8.0	902	15.6
Over 3 to 6 months	195	25.0	6	10.3	1,548	35.2	234	43.4	1,983	34.3
Over 6 months to 1 year	295	37.8	19	32.8	1,318	29.9	189	35.1	1,821	31.5
Over 1 year	125	16.0	8	13.8	865	19.7	73	13.5	1,071	18.6
Indeterminate	—	—	—	—	2	—	—	—	2	—
Total	781	100.0	58	100.0	4,401	100.0	539	100.0	5,779	100.0

Suspended fine probation figures are not included in the foregoing probation term tables, due to the fact that these periods are invariably of short duration, the length of the term being based on the probationer's ability to pay the fine imposed rather than on the possible therapeutic value gained from the worker-client relationship.

Probation by Offences

A few of the offences for which probation was given follow in order of frequency as related to the total for the period indicated:

OFFENCES	Year Ending Sep- tember 30, 1935		Quarter Ending December 31, 1935	
	Total	%	Total	%
Drunkenness	12,625	35.9	2,296	35.0
Motor Vehicle Law Violations	6,995	19.9	789	12.0
Against Property as Larceny, Arson, etc.	6,005	17.1	1,493	22.8
Domestic Relations	2,746	7.8	724	11.0
Against Public Order as City Ordinances, Vagrancy, etc.	2,516	7.1	298	4.5
Against Persons as Assault, Robbery, etc.	1,883	5.3	409	6.2
Sex	1,223	3.5	292	4.5
Liquor Law	396	1.1	66	1.0
Total	35,218		6,560	

There was a decrease in the number placed on probation for drunkenness by some 800 persons, of liquor law violators, 110, and in domestic cases, e. g., nonsupport, illegitimacy, etc., 64 persons. To offset these, there were increases this year over last of 663 probationers for violating motor vehicle laws, nearly 600 for property offences, approximately 100 each for offences against public order and against the person and an increase of nearly 200 sex offence probationers.

Probation Population

The total number of persons remaining on probation on the last day of the period given herewith, as reported by the several probation officers, indicates the average number of probationers under supervision. The distribution is as follows:

	JUVENILES		ADULTS		Total
	Boys	Girls	Men	Women	
<i>Year Ending September 30, 1935:</i>					
Municipal, Boston Juvenile and District Courts	2,983	398	16,072	1,683	21,136
Superior Courts	146	18	4,578	219	4,961
Aggregate	3,129	416	20,650	1,902	26,097
<i>Quarter Ending December 31, 1935:</i>					
Municipal, Boston Juvenile and District Courts	2,570	364	14,237	1,618	18,789
Superior Courts	129	17	4,416	219	4,781
Aggregate	2,699	381	18,653	1,837	23,570

Probation Results

The most vital figures in any probation report are those having to do with the accomplishments of the use of this device. During the current year ending September 30th, our 88 courts took action, following reports and recommendations of probation officers, on the cases of 30,794 probationers. Those, whose cases were discharged or filed indicating satisfactory behavior, were greatly in the majority and showed a slight total increase over other years; those surrendered to the courts as unsatisfactory probationers, and those defaulted due to disappearance were slightly fewer in number than previously, while probationers who appealed their sentence on surrender or had sentences revised—less than one percent in each case—show no change in frequency.

Dispositions as to results of probation follow:

	SUPERIOR COURTS		MUNICIPAL, BOSTON JUVENILE AND DISTRICT COURTS		TOTAL	
	Persons	%	Persons	%	Persons	%
<i>Year Ending September 30, 1935:</i>						
Surrendered	375	23.3	4,816	16.5	5,191	16.9
Defaulted	94	5.8	1,529	5.2	1,623	5.3
Filed or Discharged	1,133	70.4	22,659	77.7	23,792	77.2
Appealed	—	—	142	.5	142	.5
Sentence Revised	8	.5	38	.1	46	.1
Aggregate	1,610	100.0	29,184	100.0	30,794	100.0
<i>Quarter Ending December 31, 1935:</i>						
Surrendered	93	19.2	1,083	16.1	1,176	16.3
Defaulted	10	2.1	298	4.5	308	4.3
Filed or Discharged	378	78.3	5,298	78.9	5,676	78.8
Appealed	—	—	30	0.4	30	0.4
Sentence Revised	2	0.4	9	0.1	11	0.2
Aggregate	483	100.0	6,718	100.0	7,201	100.0

Extensions of the probationary period where further supervision was deemed advisable occurred in one of every four cases, and nine of every ten probationers surrendered to the courts as unsatisfactory probation material were committed to correctional institutions.

Drunk Arrests and Releases

This year, the second full year of repeal, shows a decrease in drunk arrests of 6,350 when compared with last year's figure of 97,216. The releases of such persons from custody, without court action, by probation officers and police officials show an increase of 2,662 and are distributed as follows:

ARRESTS			RELEASES			Percent
Male	Female	Total	Male	Female	Total	
Year Ending September 30, 1935:						
87,132	3,734	90,866	43,927	1,397	45,324	49.8
Quarter Ending December 31, 1935:						
19,815	949	20,764	9,868	400	10,268	49.4

Money Collections

The use of the probation service as a repository and collection agency for monies to be paid under order of the court serves two very practical purposes. It keeps the family intact and relieves the community of a financial burden, should the breadwinner, unable to pay his fine or make restitution at once, be sent to jail to work out his debt at the rate of fifty cents a day. The probationary period which generally accompanies these suspensions also has a salutary

effect on the offender which is lacking when a dereliction is paid for and the matter closed.

Nonsupport and other domestic relations complaints issue generally when all efforts of the probation officer have failed to restore harmony; but many have been the occasions of his good offices bringing about family reconciliations. Where court action is necessary, the errant spouse or parent is required by the court to pay, as his means warrant, through the probation office, for the support of his family; culpable failure to do so might result in a surrender and commitment, when the keeper of the jail or house of correction pays the family, through the probation officer, fifty cents a day for the wife and twenty-five cents a day for each child under sixteen years for each day's labor performed.

These collections under court order amounted to upward of \$1,600,000— an increase over last year of approximately \$102,000, to which the nonsupport and suspended fine items contributed materially.

The separation of the total into four divisions has interest:

Year Ending	Restitution	* Nonsupport		Suspended Fines and Court Expenses	Miscel- laneous	Total
		From Probationers	From Prisoners			
September 30, 1935:						
Municipal, Bos- ton Juvenile and District Courts	\$58,007.80	\$ 998,639.95	\$65,493.61	\$218,758.69	\$2,898.20	\$1,343,798.25
Superior Courts	28,744.16	269,016.31	24,597.37	28,384.97	229.86	350,972.67
Aggregate	\$86,751.96	\$1,267,656.26	\$90,090.98	\$247,143.66	\$3,128.06	\$1,694,770.92
* Total nonsupport collections—\$1,357,513.24.						

Quarter Ending December 31, 1935:

Municipal, Bos- ton Juvenile and District Courts	\$15,901.81	\$258,363.37	\$16,813.57	\$ 54,774.09	\$1,054.94	\$ 346,907.78
Superior Courts	8,074.08	73,286.06	4,858.10	6,294.73	—	92,512.97
Aggregate	\$23,975.89	\$ 331,649.43	\$21,671.67	\$ 61,068.82	\$1,054.94	\$ 439,420.75
* Total nonsupport collections—\$351,901.05.						

Cost of the Probation Service

The cost of a service rarely indicates its value to the community. The intangibility of probation makes most difficult the computation of its real cost, although the estimated annual cost of a Massachusetts probationer at \$26 and that of an institutional inmate at \$450 would seem to point to the necessity for reducing the prison population by effective preventive and selective probation work. Your Commissioner has been pleased to note a tendency for some judges to increase their probation staffs— sporadically, as to officers, more generally, as to clerks— for without adequate equipment nothing of lasting value can be expected, where positive injury does not result.

The cost to the several counties for the local services increased approximately \$80,000 this year, while the increase in the administration of your office, borne by the Commonwealth, amounted to \$2,500, allocated as follows:

	Salaries	Pro Tem Officers	Clerical Assistance	Expense	Total
<i>Year Ending September 30, 1935:</i>					
Probation Offices	\$438,607.66	\$10,940.85	\$149,918.47	\$29,847.36	\$629,314.34
Board of Probation	7,770.00	—	44,216.58	11,894.43	63,881.01
Total	\$446,377.66	\$10,940.85	\$194,135.05	\$41,741.79	\$693,195.35
<i>Quarter Ending December 31, 1935:</i>					
Probation Offices	\$117,152.18	\$ 2,359.75	\$ 37,073.37	\$10,116.17	\$166,701.47*
Board of Probation	2,040.00	—	11,805.70	3,435.42	17,281.12
Total	\$119,192.18	\$2,359.75	\$ 48,879.07	\$13,551.59	\$183,982.59

* No figures received from Dukes and Nantucket Counties.

CONCLUSION

Your Commissioner is deeply appreciative of the help and guidance given him by your Board. He values highly the many contacts he has made in the service during this period. The support accorded him by the force at 20

Somerset Street has been most helpful. He sincerely trusts that the coming year will mark even higher attainments in our co-operative efforts toward "helping others to help themselves".

Respectfully submitted,

ALBERT B. CARTER,
Commissioner.

CHANGES IN THE SERVICE

Franklin District.—James M. Burke, probation officer in the Greenfield District Court since 1907, died February 1, 1935. His successor is Willis H. Weissbrod who was appointed February 11, 1935.

Hampshire Eastern District.—J. Gardner Lincoln, probation officer in the Ware District Court since 1903, resigned November 13, 1935 and Edward J. Brannigan was appointed November 14, 1935.

Norfolk Southern District.—Harry B. Janock was appointed probation officer of the Stoughton District Court on January 1, 1935 to succeed Clarence Paul.

Norfolk Western District.—John C. James, probation officer in the Franklin District Court, resigned May 25, 1935 and J. Merrick Gray was appointed in his place.

Brockton District.—Charles A. Parris, probation officer in this court since 1915, retired May 6, 1935 and Everett Nelson was appointed Chief Probation Officer.

Plymouth Fourth District.—Harold W. Hurley, probation officer in the Middleborough District Court, resigned February 28, 1935 and Stephen F. O'Hara was appointed March 1, 1935.

Boston Juvenile.—Miss Margaret V. Sullivan was appointed to succeed Miss Galene Philadelphus who resigned November 1, 1934.

Chelsea District.—Mrs. Anne E. Guild died November 19, 1934 and Miss Lillian A. Evans was appointed November 22, 1934.

Suffolk Superior.—Harry Keenan, who was appointed in 1925, died April 18, 1934 and Charles H. Sullivan was appointed October 15, 1934 as his successor. John J. O'Connor was appointed December 2, 1935 to succeed Arthur Towle who died June 28, 1935.

Worcester First Northern District.—J. Philip Howard was appointed November 12, 1935 to succeed Robert W. Simonds as probation officer in the Gardner District Court. Mr. Simonds died June 16, 1935.

The following officers have been added to the respective courts:

Norfolk East District.—John F. Cronin on November 25, 1935.

Brighton Municipal.—Miss Anna F. Madden on June 1, 1935.

Dorchester Municipal.—Mrs. Rosalind M. Fitzgerald on July 1, 1935.

South Boston Municipal.—William G. Manuel on October 8, 1934.

